

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-6 have been cancelled in favor of new claims 7-12. Support for the subject matter of the new claims is provided for example in the specification on page 7, line 27, through page 9, line 25. (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 1-3, 5, and 6 were rejected, under 35 USC §103(a), as being unpatentable over Dutnall (US 6,584,098) in view of Sen et al. (US 6,330,451). Claim 4 was rejected, under 35 USC §103(a), as being unpatentable over Dutnall in view of Mochida et al. (US 2002/0026310). To the extent these rejections may be deemed applicable to new claims 7-12, the Applicant respectfully traverses based on the points set forth below.

Claim 7 defines a base station apparatus that adds a delay to a data packet transmitted on a packet channel when the data packet is detected to be a speech packet and does not add the delay when the data packet is detected as being other than a speech packet. The claimed subject matter provides an advantage of limiting the influx of speech data into the packet channel so as to improve the channel's service quality (see specification page 2, lines 22-26).

The Office Action acknowledges that Dutnall does not disclose adding a delay to a packet that is of a particular detected type (see Office Action first of two sections 3, third paragraph). To overcome this deficiency, the Office Action proposes that Sen disclose delaying data communication to provide better quality for voice communication, since voice communication is delay intolerant (see first of two sections 3, fourth and fifth paragraphs).

However, Sen's disclosure is opposite to the Applicant's claimed subject matter. As acknowledged in the Office Action, Sen discloses delaying a detected non-speech packet, whereas the claimed subject matter delays a detected speech packet. Moreover, as acknowledged in the Office Action, Sen discloses that speech packets are intolerant to delay; thus, it is submitted that a skilled artisan would find no motivation within Sen's teachings to achieve the claimed subject matter of delaying a detected speech packet.

Accordingly, the Applicant submits that the teachings of Dutnall and Sen, considered individually or in combination, do not render obvious the subject matter defined by claim 7. Independent claim 12 similarly recites the above-mentioned subject matter distinguishing apparatus claim 7 from the applied references, but with respect to a method. Therefore, allowance of claims 7 and 12 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att
Attorney Docket No. 009289-06115
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559_{DC 9289-6115 130102v1}

James E. Ledbetter
Registration No. 28,732